

REMARKS

Claim 1 has been amended to incorporate the limitations of dependent claim 13 (i.e., that pragmatic sheet comprises a thermal dye receiver layer), and to add the further limitation that the pragmatic sheet be a non-pliant pragmatic sheet (i.e., does not have at least a 10% deformation when a load of 1.2 MPa is applied to the surface of the pragmatic sheet). Support for such amendment may be found, e.g., at page 8 line 12 and page 11 line 19, in combination with the definition of pliant materials as set forth at page 11, lines 1-6. As described in the specification, it has been discovered the use of a compliant carrier sheet surprisingly enables printing efficiency and dye density utilizing thermal dye transfer in a non-pliant pragmatic sheet roughly equivalent to printing a pliant pragmatic sheet and a non-pliant carrier sheet, and that the pliant carrier sheet accordingly advantageously allows, e.g., for the efficient printing of non-pliant pragmatic sheet such as cast polymer sheet, which are very difficult to cavitate (see, e.g, page 11, lines 16-20, as well as the examples at pages 35-38).

Claim Rejections - 35 USC § 103

Claims 1-3, 5, 6, 8-12 and 14 - 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aoki et al. (USPN 6,562,429) in view of Keiser (USPN 5,851,617) and Bourdelais et al (USPN 6,270,429). Claims 13, 18, 19 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aoki et al. (USPN 6,562,429) in view of Keiser (USPN 5,851,617) and Bourdelais et al (USPN 6,270,429) as applied to claims 1-3, 5, 6, 8-12 and 14 - 17, and further in view of Tsugawa et al. (USPN 5,928,987). These rejections are respectfully traversed with respect to the present claimed invention.

The Examiner states Aoki et al. discloses a label stock (Column 1, lines 30-33) comprising in order at least one pragmatic sheet (Figures 1- 3, #1), a pressure sensitive adhesive (Column 3, lines 29 - 31; Figure 1, #2) having a thickness between 5 and 100 micrometers, thereby overlapping the claimed range of 12 and 25 micrometers, (Column 7, lines 11 - 14) and a carrier sheet (Figures 1- 3, #3) adjacent said adhesive (Figure 1, #2 and 3; Column 6, lines 40 - 43) as in claims 1, 4, 6 and 12. While acknowledging Aoki et al. fail to disclose a compliant carrier sheet comprising a polyester polymer sheet having at least one voided layer, a release layer between said adhesive and said voided layer and the

pragmatic sheet comprising a gelatin layer adjacent to said adhesive, the Examiner further states that Keiser teaches a release layer (Figure 2, #20) between said adhesive (Figure 2, #14) and said compliant carrier sheet (Figure 2, #18; Column 4, lines 49-67) as part of a label stock release liner (Column 1, lines 47-50) for the purpose of having a substrate that exhibits excellent dimensional stability and physical properties under varying conditions (column 1, lines 58-61; that Bourdelais et al teach a polyester polymer sheet having at least one voided layer has a base layer (Abstract, lines 1-2) in combination with a pragmatic sheet comprising a gelatin layer adjacent to said adhesive (Column 5, lines 3-6) for the purpose of having a photographic paper that is smoother, tear resistant and has a greater resistance to curl (Column 3, lines 25-28); and that it would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have provided the voided polyester polymer sheet and gelatin layer in Aoki et al. in order to have a substrate that exhibits excellent dimensional stability and physical properties under varying conditions as taught by Keiser and to have a photographic paper that is smoother, tear resistant and has a greater resistance to curl as taught by Bourdelais et al. Regarding original claim 13, the Examiner further states it would have been obvious to one of ordinary skill in the art at the time the applicant's invention to provide a thermal dye receiver layer as taught by Tsugawa et al. in Aoki et al. modified by Keiser and Bourdelais et al to form a recording material that is superior in sensitivity and image durability while having good resistance to heat and moisture as taught by Tsugawa et al.

The proposed combination of Aoki et al, Keiser, Bourdelais et al and Tsugawa et al does not teach or suggest the present invention, as not one of such references teaches or otherwise suggests use of a non-pliant pragmatic sheet comprising a thermal dye receiver layer in combination with a compliant carrier sheet. Rather, Aoki et al is specifically directed towards use of a cushion label (e.g., to prevent fracture of bottles), and use of a non-pliant pragmatic sheet is thus actually taught against. Similarly, the voided layer of Bourdelais et al is taught as part of a laminated base of a photographic element itself, which in addition to providing physical advantages are employed to provide improved dye hue angle for the photographic element. Thus, such layers are clearly taught as part of the imaging element, and not part of any separate carrier sheet liner. While Keiser teaches that a label liner sheet may comprise a microcellular foam

material, there is no teaching or suggestion to employ such a foamed liner sheet specifically with a non-pliant pragmatic sheet comprising a thermal dye transfer imaging layer in order to enable greater dye transfer efficiencies without requiring the pragmatic sheet itself comprise to be pliant as taught by the present invention. While Tsugawa et al discloses the known advantage of using a thermal recording material comprising a foamed or voided material layer, there is no teaching or suggestion that such advantage could also be obtained when using a non-pliant thermal dye transfer pragmatic sheet in combination with a voided carrier sheet, as has been surprisingly demonstrated in the present invention. As the proposed combination of references do not teach such specific combination and associated advantages, and as they rather would appear to teach agains such combination to the extent they require use of a cushion or foamed or voided layer in the actual pragmatic imaging element itself, it is respectfully urged that the present claimed invention would not have been obvious to one of ordinary skill in the art based on such prior art teachings. Reconsideration of this rejection is accordingly respectfully requested.

In view of the foregoing amendments and remarks, reconsideration of this patent application is respectfully requested. A prompt and favorable action by the Examiner is earnestly solicited. Should the Examiner believe any remaining issues may be resolved via a telephone interview, the Examiner is encouraged to contact Applicants' representative at the number below to discuss such issues.

Respectfully submitted,



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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.